

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 21203 OF 2005

28-12-2005

Between:

M/s.Sri Venkateswara Builders, Moosapet, Rangareddy District, rep.
by its Managing Partner.

.....Petitioner

And

The Addl.Commissioner (CT), Andhra Pradesh, Commercial Taxes
Complex, Hyderabad & Others.

.....Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 21203 OF 2005

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ORDER : (Per Hon'ble Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of four weeks. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal.

The petitioner further submits that he cannot pay half of the liability as ordered by this Court, as the Bank Accounts have been attached. The attachment of the Bank Accounts shall remain stayed. Before the attachment is stayed, the petitioner shall file an undertaking in this Court that immediately after removal of attachment, he will deposit half of the liability. On furnishing such undertaking before the Registrar (Judicial) of this Court, the attachment shall remain stayed.

Writ Petition is disposed of accordingly. No order as to costs.

(BILAL NAZKI, J)

28th December 2005

(C.V. RAMULU, J)

N.B:-

Order by wire at party's cost.

(B/o)

ajr